

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BBC CHARTERING & LOGISTIC GmbH &
Co. K.G.

Plaintiff,

08-CV-00200

-against-

CASE MANAGEMENT PLAN

USIMINAS MECANICA S/A,
PERINI O&G, PERINI CORP.,
O&G INDUSTRIES INC., and
UNIBANCO AIG SEGUROS S/A

Defendants
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Plaintiff, BBC Chartering & Logistic GmbH & Co. K.G., together with Perini O&G, Perini Corp., and O&G Industries, submit the following Case Management Plan pursuant to Rule 26(f) of the Federal Rules of Civil Procedure. The parties would note that additional defendants to this action are residents of Brazil. These parties include Usiminas Mecanica S/A, and Unibanco AIG Seguros S/A. Service over these defendants is currently being perfected, but will also be time consuming and could take up to one year. Accordingly, this plan may require further revision.

- A. The case is not to be tried to a jury.
- B. Joinder of additional parties must be accomplished no later than June 16, 2008, subject to the initial paragraph and service over the current defendants.
- C. Amended pleadings may be filed without leave of Court until August 15, 2008.
- D. Discovery (in addition to the disclosures required by Fed. R. Civ. P. 26(a)):
 1. Documents. First request for production of documents, if any must be served within 30 days after all named defendants have appeared in this matter, but no later than September 15, 2008. Further document requests may be served as required, but no document request shall be served later than 30 days prior to the date of the close of discovery as set forth in item 6 below.
 2. Interrogatories. Interrogatories pursuant to Rule 33.3(a) of the Local Civil Rules of the Southern District of New York must be served by September 15, 2008. No Rule 33.3(a) interrogatories need be served with respect to disclosures automatically required by Fed. R. Civ. P. 26(a).
 3. Experts. Every party-proponent of a claim (including any counterclaim, cross-claim, or third-party claim) that intends to offer expert testimony in respect of such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by March 16,

2009. Every party-opponent of such claim that intends to offer expert testimony in opposition to such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by April 16, 2009. No expert testimony (whether designated as “rebuttal” or otherwise) will be permitted by other experts or beyond the scope of the opinions covered by the aforesaid disclosures except upon prior express permission of the Court, application for which must be made no later than 10 days after the date specified in the immediately proceeding sentence. All experts may be deposed, but such depositions must occur within the time limit for all depositions set forth below.

4. Depositions. All depositions (including any expert depositions, see item 3 above) must be completed by August 31, 2009. Unless counsel agree otherwise or the Court so orders, depositions shall not commence until all parties have completed the initial disclosures required by Fed. R. Civ. P. 26(a)(1) or until four weeks from the date of this Order, whichever is earlier.

5. Request to Admit. Requests to Admit, if any, must be served by September 1, 2009.

6. All discovery is to be completed by August 1, 2009. Interim deadlines for items 1-5 above may be extended by the parties on consent without application to the Court, provided the parties are certain they can still meet the discovery completion date set forth in this paragraph, which shall not be adjourned except upon a showing to the Court of extraordinary circumstances.

- E. Post –discovery summary judgment motions in the form prescribed by the Court’s Individual Rules of Practice may be brought on without further consultation with the Court provided that a Notice of any such motion, in the form specified in the Court’s Individual Rules of Practice, is filed no later than August 10, 2009, and provided that answering papers by August 24, 2009, and reply papers by September 7, 2009. Each party must file its respective papers with the Clerk of the Court on the same date that such papers are served. Additionally, on the same date that reply papers are served and filed, counsel for the parties must arrange to deliver a courtesy non-electronic hard copy of the complete set of papers to the Courthouse for delivery to Chambers.
- F. A final pre-trial conference, as well as oral argument on any post-discovery summary judgment motions, shall be held on _____ [date to be inserted by the Court], at which time the Court shall set a firm trial date. The timing and other requirements for the Joint Pretrial Order and/or other pre-trial submissions shall be governed by the Court’s Individual Rules of Practice.
- G. All motions and applications shall be governed by Judge Pauley’s Individual Rules of Practice. Counsel shall promptly familiarize themselves with all of the Court’s Individual Rules, as well as with the Local Rules for the United States District Court for the Southern District of New York.

SO ORDERED.

WILLIAM H. PAULEY III
U.S.D.J.

DATED: New York, New York
